

Patent  
10/099,891

### REMARKS

Claims 1-50 are pending in this application. Claims 1, 30, 35, 36 and 40 are independent claims.

Applicants thank the Examiner for the indication that Claims 16-17, 19-29 and 40 were indicated to contain allowable subject matter.

The drawings were objected to in paragraphs 1 and 2 of the Action on the grounds that the "numbers and letters of FIGS 1-6 are no legible" and FIG 7 was "objected to because there are no descriptive legends for the boxes". Formal drawings are submitted herewith. These drawings provide legible numbers and letters. A marked-up copy of FIG 3 including an illustration of shutter 380, and of FIG 7 including descriptive legends for the boxes, are also provided herewith. Withdrawal of the objections to the drawings is respectfully requested.

Claim 12 was rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Specifically, "Claim 12 recites the limitation 'wherein at least one of the optical elements includes a shutter for attenuating the selected channel wavelength directed by the optical element, and wherein said configuration of the optical elements adjusted by the controller includes a position of the shutter within a path traversed by the selected channel wavelength'. Applicants submit that this recitation is supported at least at paragraph [0042]. Based on Applicants' specification, one of ordinary skill in the art would be enabled to make and/or use the invention. As requested in the Action, FIG 3 has been amended to include an illustration of this feature as element 380.

Claims 38-39 were also rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Specifically the limitation "a monitoring arrangement for determining a power level of a first channel wavelength at the input port of the optical amplifier relative to a power level of the first channel wavelength at the

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